

filth. The article was labeled in part: (Carton) "Packed For General Grocery Co. California Shelled Walnuts Light Halves [or "Light Pieces"]."

On July 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3794. Adulteration of walnut meats. U. S. v. 67 Cartons of Walnut Meats. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 7542. Sample Nos. 61298-E, 85677-E.)**

Examination showed that this product was insect-infested.

On June 2, 1942, the United States attorney for the Western District of Washington filed a libel against 67 cartons, each containing 25 pounds of walnut meats, at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 7 and 8, 1942, by Morris Rosenberg from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On July 9, 1942, Morris Rosenberg, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed.

**PEANUT BUTTER**

**3795. Adulteration and misbranding of peanut butter. U. S. v. 39 Cases and 38 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 7401. Sample Nos. 84586-E, 84587-E.)**

Examination showed that this product contained dirt; also that a portion was short of the declared weight.

On April 28, 1942, the United States attorney for the Northern District of New York filed a libel against 77 cases, each containing 12 jars of peanut butter—39 cases at Syracuse, N. Y., and 38 cases at Oswego, N. Y., alleging that the article had been shipped in interstate commerce on or about March 23, 1942, by the Old Reliable Peanut Co. from Suffolk, Va.; and charging that it was adulterated and misbranded. It was labeled in part: "Golden Tint Brand \* \* \* Peanut Butter 2 Lbs. Net Weight [or "24 ozs. Net Weight"]."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance. The lot seized at Oswego was alleged to be misbranded (1) in that the statements "2 Lbs. Net Weight" and "24 Ozs. Net Weight" were false and misleading as applied to an article that was short weight; and (2) in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On June 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3796. Adulteration and misbranding of peanut butter. U. S. v. 88 Cases, 47 Cases, and 68 Cases of Peanut Butter (and 2 other seizure actions against peanut butter). Default decrees of condemnation and destruction. (F. D. C. Nos. 7512, 7988, 7989. Sample Nos. 92484-E, 92485-E, 93519-E.)**

Samples of this product were found to contain rodent excreta, hairs resembling those of rodents, and dirt.

On May 15 and August 3 and 25, 1942, the United States attorneys for the Western District of Washington and the District of Arizona filed libels against 88 cases each containing 24 1-pound jars, 47 cases each containing 12 1½-pound jars, and 68 cases each containing 12 2-pound jars of peanut butter at Tacoma, Wash.; 27 cases each containing 12 2-pound jars of peanut butter at Phoenix, Ariz.; and 41 cases each containing 24 1-pound jars, 16 cases each containing 1 dozen 24-ounce jars, and 39 cases each containing 12 2-pound jars of peanut butter at Tucson, Ariz., alleging that the article had been shipped in interstate commerce on or about March 9 and 24, 1942, by Swift & Co., in part from North Portland, Oreg., and in part from Fort Worth, Tex.; and charging that it was adulterated and that portions were also misbranded. The article was labeled in part: "Jane Goode Peanut Butter."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

The pound and 1½-pound jars located at Tucson were alleged to be misbranded (1) in that the statements "1 Lb. Net Weight" and "1 Lb. 8 Oz. Net" on the labels were false and misleading since the jars were short of the declared